

Support of Plaintiffs' Memorandum in Opposition to the BMS Defendants' Motion for Summary Judgment and Response of Class Plaintiffs to Local Rule 56.1 Statement of Defendants Bristol-Myers Squibb Corporation and Oncology Therapeutics Network; (i) Plaintiffs' Opposition to the Johnson & Johnson Defendants' Motion for Summary Judgment; (j) Class Plaintiffs' Response to the Johnson & Johnson Defendants' Local Rule 56.1 Statement in Support of Their Motion for Summary Judgment as to Class 1 and Class 2; (k) Declaration of Steve W. Berman in Support of Plaintiffs' Opposition to the Johnson & Johnson Defendants' Motion for Summary Judgment; (l) Plaintiffs' Memorandum in Opposition to Schering-Plough Corporation's and Warrick Pharmaceuticals Corporation's Motion for Summary Judgment as to Class 2 Claims; (m) Response of Class Plaintiffs to Concise Statement of Undisputed Material Facts in Support of Schering-Plough Corporation's and Warrick Pharmaceutical Corporation's Motion for Summary Judgment; and (n) Declaration of Steve W. Berman in Support of Plaintiffs' Memorandum in Opposition to Schering-Plough Corporation's and Warrick Pharmaceuticals Corporation's Motion for Summary Judgment as to Class 2 Claims and Response of Class Plaintiffs to Concise Statement of Undisputed Material Facts in Support of Schering-Plough Corporation's and Warrick Pharmaceutical Corporation's Motion for Summary Judgment.

The foregoing items include or reference copies of documents and/or excerpts from documents that certain defendants have identified as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" pursuant to the terms of the December 13, 2004 Protective Order. Also, the foregoing items reference information contained in documents designated by certain defendants as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL." In addition, the foregoing items not only quote extensively from and/or attach documents that certain defendants have designated as

“CONFIDENTIAL” or “HIGHLY CONFIDENTIAL,” but also they include references to pricing data that defendants likely believe to be highly proprietary in nature.

Paragraph 15 of the Protective Order mandates that any document or pleading containing material such as that referenced above be filed under seal. Plaintiffs hereby seek to comply with the terms of the Protective Order.

While plaintiffs seek to file the above-listed items under seal in order to comply with the Protective Order, plaintiffs believe that much if not all of the material that defendants have designated or likely deem to be “CONFIDENTIAL” or HIGHLY CONFIDENTIAL is not truly confidential or highly confidential. Accordingly, plaintiffs plan to move for an order unsealing the summary judgment (and other) materials recently filed by defendants under seal, in addition to the materials that plaintiffs themselves hereby seek to file under seal.

WHEREFORE, Plaintiffs respectfully request that this Court grant them leave to file the foregoing listed materials under seal.

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